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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,167

03/19/2004

Hideyuki Tsutsumitake

04329.3277

7394

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7590

12/12/2007

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EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,167

Applicant(s)

TSUTSUMITAKE ET AL.

Examiner

Girumsew Wendmagegn

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:2/10/06;11/15/05;8/4/05;3/19/04.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-5, 7-13 is rejected under 35 U.S.C. 102(b) as being anticipated by Yuasa et al (Patent No US 6,636,953).

Regarding claim 1, 9, Yuasa et al (hereinafter Yuasa) anticipates a video data recording/reproducing apparatus comprising: an input device that inputs video data item to be recorded (see figure 2 element 1110); a data storage unit that stores the video data item input by the input device (see figure 2 element 1130); a communication unit that communicates with an external unit via a network (see figure 2 element 1180); means for moving one of a plurality of video data items stored in the data storage unit to the external unit by communication between the communication unit and the external unit, to increase a free memory space in the data storage unit (see figure 2 element 1140); means for determining whether to-be-reproduced video data item is stored in the data storage unit or in the external unit (see column 9 line 29-33); means for reproducing the to be reproduced video data item from the data storage unit, if it is determined that the to be reproduced video data item is stored in the data storage unit

(see column9 line 29-33); and means for executing a streaming process to reproduce a stream of the to be reproduced video data item that is transferred from the external unit while the stream of the to-be-reproduced video data item is being received by the communication unit, if it is determined that the to-be-reproduced video data item is stored in the external unit (see column9 line 29-33).

Regarding claim2,10, Yuasa anticipates the video data recording/reproducing apparatus according to claim1, further comprising means for displaying a list of recorded video data items including video data item that is currently stored in the data storage unit and video data item that is moved to the external unit (see figure4), wherein the determining means includes means for determining whether to-be-reproduced video data item, which is selected from the list of recorded video data items, is stored in the data storage unit or in the external unit (see column9 line 29-33, user can determine data storage unit).

Regarding claim3,11, Yuasa anticipates the video data recording/reproducing apparatus according to claim1, wherein the moving means includes means for detecting a size of a free memory space in the data storage unit, and means for moving, if the detected size of the free memory space decreases to less than a predetermined value, one of a plurality of video data items stored in the data storage unit to the external unit by communication between the communication unit and the external unit (see column10 line 49-52).

Regarding claim4,12, Yuasa anticipates the video data recording/reproducing apparatus according to claim1, wherein the moving means includes means for adding identification information for identifying the video data recording/reproducing apparatus to video data item that is to be moved to the external unit (see figure4 element 2001), the video data recording/reproducing apparatus further comprising: means for executing a verification process for determining whether the to-be-reproduced video data item stored in the external unit is video data item that is moved from the video data recording/reproducing apparatus, on the basis of the identification information that is added to the to-be-reproduced video data item stored in the external unit; and means for prohibiting execution of the streaming process if it is determined that the to-be-reproduced video data item stored in the external unit is not the video data item that is moved from the video data recording/reproducing apparatus (see figure4 identifies moved and non-moved contents).

Regarding claim5,13, Yuasa anticipates the video data recording/reproducing apparatus according to claim1, further comprising: means for detecting a size of a free memory space in the data storage unit (see figure2 element 1140); means for finding video data item with attributes corresponding to a specified condition for deletion, on the basis of attributes of the plurality of video data items stored in the data storage unit, if the detected size of the free memory space decreases to less than a given value (see column10 line42-48); and means for deleting the found video data item from the data storage unit, wherein the moving means includes means for moving one of the plurality

of video data items stored in the data storage unit to the external unit by communication between the communication unit and the external unit if the video data item with attributes corresponding to the specified condition for deletion is not found (see column10 line42-52).

Regarding claim7, Yuasa anticipates the Video data recording/reproducing apparatus according to claim1, wherein the video data item is broadcast program data, and the input device includes a receiver unit that receives the broadcast program data (see figure2 receiving apparatus).

Regarding claim8, Yuasa anticipates the video data recording/reproducing apparatus according to claim1, wherein the data storage unit includes a disk drive unit (see figure2 element 1130 and 1170).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim6 and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yuasa et al (Patent No US 6,636,953) as applied to claim1-5,7-13, above, and further in view of Coombs et al (Patent No US 7,165,154).

Regarding claim 6, 14, see the teaching of Yuasa above. Yuasa does not teach means for copying video data item with attributes, which correspond to a specified condition for backup, to the external unit by communication between the communication unit and the external unit, on the basis of attributes of the plurality of video data items stored in the data storage unit. However Coombs et al teaches copying video data item with attributes, which correspond to a specified condition for backup, to the external unit by communication between the communication unit and the external unit, on the basis of attributes of the plurality of video data items stored in the data storage unit (see column 2 line 11-16).

One of ordinary skill in the art at the time the invention was made would have been motivated to copy video data item with attributes as in Coombs into Yuasa apparatus because it would make accessing the content much easier.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

Application/Control Number:
10/804,167
Art Unit: 2621

Page 7

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Thai Tran
SUPERVISOR

Supervisory Patent Examiner

Girumsew Wendmagegn